

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

FABIAN BURNETTE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

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Case No. 1:07-cv-293
Judge Mattice

ORDER

United States Magistrate Judge William B. Carter filed his report and recommendation [Court Doc. 14] pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b).

Accordingly, Defendant's Motion for Summary Judgment [Court Doc. 12] is **GRANTED**. Plaintiff's Motion for Judgment on the Pleadings [Court Doc. 10] is **DENIED**. The Commissioner's decision is **AFFIRMED** and the instant action is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 19th day of February, 2009.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE